

REMARKS/ARGUMENTS

This amendment is made in response to the Final Rejection dated November 8, 2007. Therein, the Examiner objected claim 22 under 35 USC § 112. The amendment to claim 22 provided herein is made exclusively to overcome the § 112 rejection and should be entered. Now, the appropriate antecedent basis for all the locations of the “said longitudinally disposed wave-shaped struts” is provided. Accordingly, this rejection should be removed.

The specification was objected to under 35 USC § 132(a) because it purportedly introduced new matter into the claims. According to the Examiner, the provision in claim 21, line 5 of a wave “having no straight sections” and in claim 22, line 6 of wave shaped struts “having no straight sections,” is not provided in the original specification. However, the Examiner’s attention is invited to the disclosure contained in Figures 2, 3a, 4, 5, 6 and 7. It is replete with struts that have waves *having no straight sections*. Accordingly, the Applicants do not understand the reason for the Examiner’s rejection.

Moreover, in the amendment filed on July 6, 2007, the Applicants entered a minor amendment to the specification at page 6, line 9 which provided that “As will be seen herein, the waves described in the current stent are curved without any straight sections.” And, the Applicant argued in the response filed on July 6, 2007 at page 5 that the specification was amended and it is well disclosed in Figures 4, 6 and 7, so that no new matter is added.

Thus, for the Examiner to argue that the Applicant “agrees with” the Examiner’s contention that the original specification does not support the limitation of “no straight sections” is inappropriate. The Examiner is requested to remove this objection to the specification and its rejection under 35 USC § 132.

The limitations contained in the claims 21 and 22 continue to avoid the Simon reference. Yet, the Examiner continues to ignore the limitation that the wave shape struts have no straight sections. Simon clearly does not show this limitation, in either Figure 4 or Figure 5 as cited by the Examiner. As a result, claims 21 and 22 are not anticipated by Simon. As well, since the benefit of

the waves contained in the present stent (that is to provide greater flexibility) is not present in Simon. Neither does Simon render the claims obvious under 35 USC § 103.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 10-0750/JJI-49USNP/PAC for any such fees; and Applicants hereby petition for any needed extension of time.

Respectfully submitted,

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